

**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
OFFICE OF CONSERVATION AND COASTAL LANDS  
Honolulu, Hawaii**

180-Day Exp. Date: June 28, 2011

April 21, 2011

**Board of Land and  
Natural Resources  
State of Hawaii  
Honolulu, Hawaii**

**REGARDING:** Conservation District Use Application (CDUA) ST-3580  
for the Installation and Maintenance of 5 Siren Poles

**APPLICANT:** State of Hawaii  
Department of Accounting and General Services (DAGS)

**AGENT:** PBR Hawaii & Associates, Inc.

**LANDOWNER/LOCATIONS/TMKs:**

County of Hawaii

Hookena Beach Park	Hookena Beach Rd	TMK: (3) 8-6-013:021
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State of Hawaii

Hoopuloa	Water Tank/ Milolii Rd	TMK: (3) 8-9-004:008
Holoholokai Beach Park	North Kahiku Dr, Lalamilo	TMK: (3) 6-9-001:017
Mahukona Park	Mahukona Park Rd	TMK: (3) 5-7-003:013
Makua Cave	Farrington Hwy, Waianae	TMK: (1) 8-2-001:001

**AREA OF USE:** ≈ 12 square feet at each location

**DESCRIPTION OF AREAS/CURRENT USE:**

Hookena Beach Park owned by the County of Hawaii is located on the Kona side of the Big Island and lies within the Limited subzone of the Conservation District. Much of the park is beach sand and parking area. Structures include a comfort station and associated concrete walkways and rock walls. Grass surrounds the comfort station. The park allows open public ocean access. Fishing takes place in the offshore waters of this beach park. According to the applicant, at one time this sheltered location of Kauhako Bay was a busy trading village. By the mid-1930's, the landing at Hookena had been demolished.

The Hoopuloa site located near the corner of Milolii and Water Tank Road is also on the Kona side of the Big Island within the General subzone of the Conservation District. This site is an a'a lava field and State unencumbered land. No structures or landscaping are present on this site. Residential dwellings are located across the street on the makai side.

Holoholokai Beach Park located on the Kona side of the Big Island lies within the General subzone of the Conservation District and is north of Pauoa Bay at the end of North Kahiku Drive. The parcel is owned by the State and leased by the Mauna Lani Resort. The proposed siren site is located near the edge of an existing paved parking lot. Structures include a comfort station, parking area and signage. This public park is maintained by Mauna Lani resort. Much of the park is beach sand and parking area. The park is landscaped with grasses and trees. The area proposed for the siren pole is landscaped with grasses and surrounded by naupaka.

Mahukona Beach Park is located on the Kohala coast of the Big Island within the Resource subzone of the Conservation District. This State owned parcel has an Executive Order (EO) to Hawaii County for park use. The park borders a small open bay that once served as a port to the former rail line that was used to haul sugar. Structures of the former commercial harbor are still present. This park also allows unobstructed access to the ocean. Swimmers, fishermen and boaters (a chain hoist with a winch is used for launching) utilize the area. Park facilities consist of picnic tables, pavilion, comfort station and a small parking lot. This park is landscaped with grass and ornamental trees.

The Makua Cave site is located across Farrington Hwy on the makai side of the highway. This State owned parcel is leased by the USA. There are no structures at this site. Improvements are limited to a gravel pull-out/parking area and concrete barriers. This site is not landscaped. Non-native grasses and trees are situated along the site perimeter.

Each of the siren poles are proposed for flat areas within the site. All sites have drivable access. According to the application, all five sites have been previously graded. The identified sites will not obstruct public access to and along the shoreline or along any public trail. The three beach park sites have been landscaped. It is believed that no listed or endangered flora or fauna exist at the proposed sites. Archeological or historical finds may be present at each site (**Exhibit 1 & 2**).

## **PROPOSED USE**

According to the applicant, the siren pole consists of a siren, timber or composite-plastic pole, solar array and related equipment. The 24" ø pole will be equipped with a siren controller box, battery cabinet, radio antenna, grounding rod, Civil Defense warning siren and solar powered array. Directional sirens are planned for Hoopuloa and Makua Cave while omni-directional sirens are proposed for Holoholokai, Hookena and Mahukona Parks (**Exhibit 3 & 4**).

Each warning siren will have a maximum height of 50-feet above ground, be self supporting with no guy wires, solar and battery powered, and will not require an electrical power connection. No lighting will be placed on the poles. Once the installation is complete, the surrounding area around the siren pole will be returned to its previous condition. The sirens will be light green in color and is intended to blend in with any existing vegetation.

The installation work at each site is expected to take about a month. During installation, the contractor will fence off the area for safety. Archaeological monitoring will occur during all ground alteration in conformance with accepted monitoring plans. The work

area will be  $\approx 30' \times 30'$ . A truck-mounted auger will be used to excavate a hole. The pole will then be transported on a long bed truck to the site, lifted up and placed into the hole. Concrete will be used to anchor the pole. A crane and a man-lift will be used to install and secure the siren and solar panel and related equipment to the pole. Upon completion, the warning siren poles will each occupy an area of 12-ft<sup>2</sup>. The siren post installation will not require any grading. Once the siren poles have been installed, the areas surrounding the poles will be restored to their former condition.

During construction, there may be a slight potential for increase runoff and sedimentation. The contractor shall be required to implement Best Management Practices to mitigate possible impacts. Over the long term, there will be a slight (insignificant) increase in impervious surfaces as the pole will be anchored by 12-ft<sup>2</sup> of concrete.

The sirens were sited to fill gaps in coverage to populated or more heavily used coastal areas while avoiding sensitive buildings such as schools, hospitals, zoos, public safety offices (to avoid dispatch interference) and aircraft flight paths. Sirens were sited to respect clear zone standards. If located within a park, the siren will be sited away from recreational activity.

The purpose of the project is to promote public health, safety and welfare. Warning sirens are the basic initial method to alert the public of an impending emergency condition. The sirens will be operated by the Civil Defense. Civil Defense warning sirens are tested once a month on the first working day of the month at 11:45 am.

## SUMMARY OF COMMENTS

The application was referred to the following agencies for their review and comment: the State: Department of Health, Office of Hawaiian Affairs, Office of Environmental Quality Control, Department of Land & Natural Resources Divisions of: Conservation and Resource Enforcement, Forestry & Wildlife, Engineering, Historic Preservation, Land and Parks; the County of Hawaii Departments of Planning and Parks & Recreation; the City & County of Honolulu's Department of Planning and the Waianae Neighborhood Board. In addition, the CDUA was also sent to the nearest public libraries, the North Kohala Public Library, the Kealakeakua Public Library, the Kailua-Kona Public Library, and the Waianae Public Library, to make this information readily available to those who may wish to review it.

Comments were received and summarized from the following:  
DEPARTMENT OF HEALTH

We strongly recommend that Standard comments be reviewed on our website. Any comments specifically applicable should be adhered to. The same website also features a Healthy Community Design Smart Growth Checklist. All proposals should apply the healthy built environment principles in the Checklist whenever planning or reviewing new developments. Please share this list with others to increase community awareness on healthy community design.

*Applicant's response*

We acknowledge the Standard Comments posted on the Department of Health's website. DAGS has indicated that they will review the Standard Comments and will adhere to the comments as applicable. The Health Community Design Smart Growth Checklist has also been reviewed and checklist items may be implemented as applicable.

DEPARTMENT OF LAND AND NATURAL RESOURCES

*Conservation and Resource Enforcement*

No comments or objections

*Forestry & Wildlife*

No comments

*Historic Preservation*

The locations noted in this application are part of a larger DAGS installation project involving multiple locations on Oahu and Hawaii islands. The overall project involves a total of 31 new and nine replacement sirens on Hawaii Island.

We have previously reviewed archaeological monitoring plans for the proposed project. The approved monitoring plans call for on-site monitoring of siren pole installations at all of the locations subject to this CDUA. We believe that no historic properties will be affected by this project, with the understanding that archaeological monitoring will occur during all ground alteration in conformance with the accepted monitoring plans.

*Applicant's response*

We acknowledge your previous acceptance of the 5 archaeological monitoring plans and determination that no historic properties will be affected by the project provided that archaeological monitoring will occur during all ground altering activities in conformance with the accepted monitoring plans.

*Land Division*

TMK: (3) 6-9-001:017 in South Kohala is encumbered by General Lease No. S-5162 to Mauna Lani Resort (Operation), Inc. The placement of a civil defense warning siren on the property will require the concurrence of the lessee and an easement from the Board of Land and Natural Resources (BLNR).

TMK: (3) 8-9-004:008 in Hoopuloa, South Kona is unencumbered State land. The placement of civil defense warning sirens on the property will require an easement from the BLNR.

TMK: (3) 5-7-003:013 in North Kohala has been set aside to the County of Hawaii for public park purposes pursuant to Governor's Executive Order No. 4344. The placement

of a civil defense warning siren on the property will require the concurrency of the County of Hawaii and the Governor, as well as an easement from the BLNR.

The Applicant has already been in contact with our office regarding the processing of the easements.

*Applicant's response*

We acknowledge that the Holoholokai site is encumbered by General Lease No. S-5162 to Mauna Lani Resort and that concurrence of the lessee and an easement from the Board of Land and Natural Resources is required. Concurrence has been obtained from Mauna Lani for use of the proposed site.

Further we also acknowledge that the Mahukona site was set aside to the County of Hawaii for public park purpose and that the placement of a siren at this site requires the concurrence of the County of Hawaii and the Governor in addition to an easement from the BLNR. Concurrence has been obtained from the County for the use of the site.

We acknowledge that the Hoopuloa and Mahukona site will also require easements approved by the BLNR.

*State Parks*

The applicant has been in coordination with State Parks to address our concerns.

*Applicant's response*

We acknowledge your confirmation that DAGS is coordinating with State Parks to address any concerns on the part of State Parks.

COUNTY OF HAWAII

*Department of Planning*

Hoopuloa is not in the Special Management Area. Regarding the other proposed siren poles, the installation of civil defense sirens is exempt from the definition of development and the requirement for a certified shoreline is waived. Please note the requirement of sedimentation barriers (silt fences) for Mahukona Park.

*Applicant's response*

We acknowledge that the Hoopuloa site is not within the Special Management Area and determination that the installation of the sirens is exempt from the definition of development; and that the requirement for a certified shoreline is waived.

We acknowledge the requirement for sediment barriers during construction at Mahukona Park. Sedimentation barriers (silt fences) will be installed prior to any land altering or construction activities to minimize potential runoff or sedimentation. The barriers will remain in place until final inspection has been granted.

*Department of Parks & Recreation*

No comment

**ANALYSIS**

Following review and acceptance for processing, the Applicant was notified, by correspondence dated January 4, 2011, that:

1. The proposed use is an identified land use in the Limited, Resource and General subzone of the Conservation District, pursuant to §13-5-22, Hawaii Administrative Rules (HAR), P-6 Public Purpose Uses-Land uses undertaken by the State of Hawaii or the counties to fulfill a mandated governmental function activity, or service for public benefit.. Please be advised, however, that this finding does not constitute approval of the proposal;
2. Pursuant to §13-5-40, HAR, a Public Hearing will not be required;
3. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Chapter 11-200, HAR, Subchapter 5, §11-200-8 (a) (3), the proposed use is exempt; and
4. Pursuant to §205A-22, HRS, as amended, State civil defense warning devices are excluded from the definition of development and are accordingly exempt from Special Management Area (SMA) requirements.

Notice of this application, CDUA ST-3580, was published in the January 23, 2011 issue of the Environmental Notice.

**CONSERVATION CRITERIA**

The following discussion evaluates the merits of the proposed land use by applying the criteria established in §13-5-30, HAR.

- 1) *The proposed use is consistent with the purpose of the Conservation District.*

The objective of the Conservation District is to conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety and welfare.

The proposed sirens provides for emergency communications to assist Civil Defense, to warn the public in the event of potential disaster. Staff believes the proposed actions will not impact the natural resources of the proposed areas, and that it will positively promote public health, safety, and welfare.

- 2) *The proposed land use is consistent with the objectives of the Subzone of the land on which the use will occur.*

The objective of the Limited subzone is to limit uses where natural conditions suggest constraints on human activities.

The objective of the Resource subzone is to develop with proper management, areas to ensure sustained use of the natural resources of those areas.

The objective of the General subzone is to designate open space where specific conservation uses may not be defined, but where urban use would be premature.

The proposed siren poles are an identified public purpose land use. The installation, maintenance, and operation of warning systems are a mandated government function. The proposals have a very small footprint of  $\approx 12\text{-ft}^2$  and staff believes the use does not conflict with subzone objectives.

- 3) *The proposed land use complies with the provisions and guidelines contained in Chapter 205A, HRS entitled "Coastal Zone Management", where applicable.*

Act 076 signed by the Governor on May 17, 2004, expedites the construction, installation, maintenance, repair, and replacement of civil defense warning or signal devices and sirens by exempting these items from the definition of "development" for purposes of coastal zone management. The result of Act 076 is that civil defense warning devices became exempt from the provisions of Chapter 205A, HRS, *Coastal Zone Management*.

- 4) *The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.*

The proposed uses should not caused substantial adverse impact to existing natural resources within the surrounding area, community or region. During construction, an archeological monitor shall be present. Each siren pole shall be self-supporting with no guy wires, solar and battery powered, and will not require an electrical power connection. No lighting will be placed on the poles.

- 5) *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

Staff believes that the proposed sirens are compatible with the locality and surrounding areas as the Civil Defense siren poles will be self-sufficient solar and battery powered and has been placed in sites that have maximum exposure to the sun. The sirens were sited to avoid sensitive areas such as hospitals, schools, fire and police stations, zoos and aircraft flight paths.

- 6) *The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.*

Staff is of the opinion that the natural beauty and open space characteristics within the Conservation District shall be maintained. The installations will preserve as much of the existing open area by being located at the edge of the parcels and shall be self supporting with no connections to wires or electricity. The sirens will be light green in color which is intended to blend in with any existing vegetation.

- 7) *Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.*

No subdivision is proposed for this application.

- 8) *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

Staff is of the opinion that the siren poles shall help to insure the public health, safety and welfare by providing emergency communication to assist emergency personnel.

## **DISCUSSION**

The sirens were sited to fill gaps in coverage to populated or more heavily used coastal areas while avoiding sensitive buildings such as schools, hospitals, zoos, public safety offices (to avoid dispatch interference) and aircraft flight paths. Sirens were sited to respect clear zone standards. If located within a park, the sirens are to be sited away from recreational activity.

Warning sirens are the basic initial method to alert the public of an impending emergency condition. The installation, maintenance, and operation of warning systems are a mandated government function.

## **RECOMMENDATION**

Based on the preceding analysis, Staff recommends that the Board of Land and Natural Resources APPROVE Conservation District Use Application ST-3580 for the Installation and Maintenance of 5 Siren Poles Located at: Hookena Beach Park, TMK: (3) 8-6-013:021; Holoholokai Beach Park, TMK: (3) 6-9-001:017; Hoopuloa, Milolii, TMK: (3) 8-9-004:008; Mahukona Park, TMK: (3) 5-7-003:013 on the island of Hawaii; and the Vicinity of Makua Cave, TMK: (1) 8-2-001:001 on the island of Oahu subject to the following conditions:

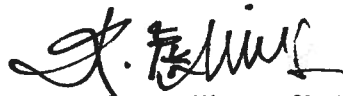
- 1) The applicant shall comply with all applicable statutes, ordinances, rules, regulations, and conditions of the Federal, State and County governments;
- 2) The applicant shall comply with all applicable Department of Health administrative rules;
- 3) All representations relative to mitigation set forth in the accepted Conservation District Use Application are incorporated as conditions of the permit;



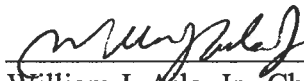
- 4) The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
- 5) In issuing this permit, the Department and Board have relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;
- 6) Where any interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take the measures to minimize or eliminate the interference, nuisance, harm, or hazard;
- 7) Any work done on the land shall be initiated within one year of the approval of such use, and unless otherwise authorized be completed within three years of the approval. The applicant shall notify the Department in writing when construction activity is initiated and when it is completed;
- 8) Before proceeding with any work authorized by the Board, the applicant shall submit four (4) copies of the construction and grading plans and specifications to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three (3) of the copies will be returned to the applicant. Plan approval by the Chairperson does not constitute approval required from other agencies;
- 9) In issuing this permit, the Department has relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;
- 10) The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
- 11) Where any polluted run-off, interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take measures to minimize or eliminate the polluted run-off, interference, nuisance, harm, or hazard;
- 12) The applicant acknowledges that the approved work shall not hamper, impede or otherwise limit the exercise of traditional, customary or religious practices in the immediate area, to the extent such practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;

- 13) During construction, appropriate mitigation measures shall be implemented to minimize impacts to the marine environment, off-site roadways, utilities, and public facilities;
- 14) The applicant shall have an archaeological monitor present during all ground altering activities in conformance with the accepted monitoring plans. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall contact SHPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
- 15) Other terms and conditions as may be prescribed by the Chairperson; and
- 16) Failure to comply with any of these conditions shall render this Conservation District Use Permit null and void.

Respectfully submitted,



K. Tiger Mills, Staff Planner  
Office of Conservation and Coastal Lands



William J. Aila, Jr., Chairperson  
Department of Land and Natural Resources



# LEGEND

-  Proposed Siren
-  Roads

## EXHIBIT I

### Hawaii Proposed Sirens

HAWAII STATE CIVIL DEFENSE

ISLAND OF HAWAII

NORTH

LINEAR SCALE (FEET)



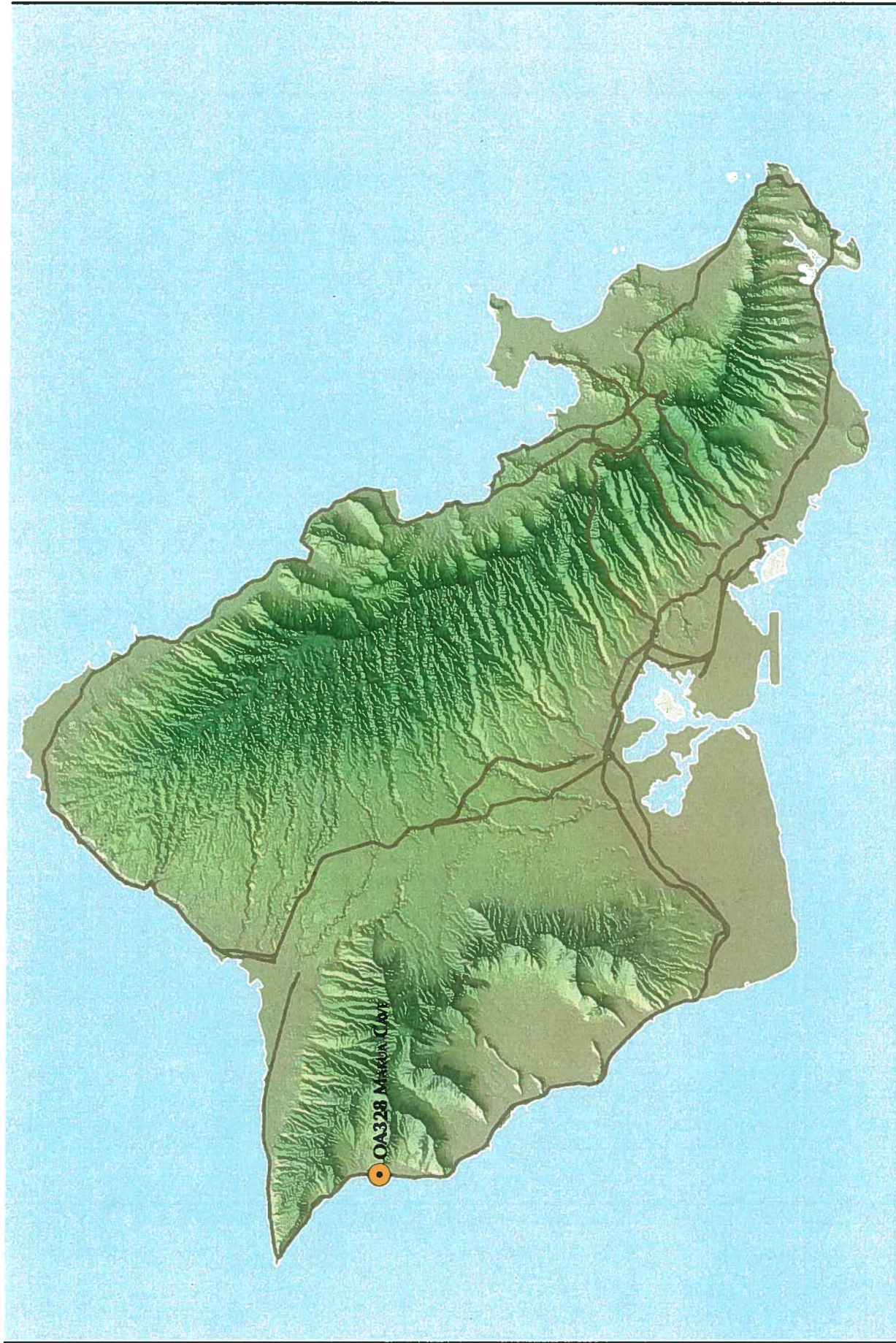
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125,000







LEGEND

- Proposed Siren
- Roads

Oahu Proposed Sirens

HAWAII STATE CIVIL DEFENSE

NORTH



NOT TO SCALE

ISLAND OF O'AHU



## E-0.1 N.T.S.

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**TYPICAL DIRECTIONAL SPEAKER POLI DETAILS**



1 ON  
E-02 NTS

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